petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * *

The Petitioners herein request a variance from Section 1801.2.&2A. of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a building and a window to tract boundary of 23 ft. (enclosed porch/deck) in lieu of the 30 and 35 ft., respectively, and to amend the last approved FDP of Dawnvale West, as more particularly described on Petitioners' Exhibit No.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section

307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore Jounty Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 32 day of Couper, 1991 that the Petition for a Moning Variance from Section 1801.2.&2A. of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a building and a window to tract boundary of 💢 ft. (enclosed porch/deck) in lieu of the 30 and 35 ft., respectively, and to amend the last approved FDP of Dawnvale West, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted

> 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

for Baltimore County

AFFIDAVIT

AN SUPPORT OF RESIDENTIAL ZONING VARIANCE 92-8-P

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with

That the Affiant(s) does/do presently reside at ___/

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

APPIANT (Handwritten Signature)

AFFIANT (Printed Name)

AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this _____ day of ______, 19____, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set furth are true and correct to the best of his/her/their knowledge and beliet.

AS WITNESS my hand and Notarial Seal.

My Commission Expires:

My Come Frina Explica Solita builly (1995)

ICATAG DESCRIPTION

Beginning at a point on the west side Rosehill Court, which is Tib. wide at the distance of approximately 200° south of the centerline of The common of the visit of the common of the TO THE RESERVE OF THE PROPERTY Rosenili Court and located in the lish Election Distric.

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

92-8-A\$

I/Th do solemnly deslare and affirm, under the

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section

504-CMDP VB5B and BCZR 1B01.2222A- to permit a building and ammindow to tract boundary of 23 in lieu of the 30' and 35', respectively and to amend the last approved FDP of

Dawnvale West.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the Collowing reason: (indicate hardship or practical difficulty)

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

remalties of perjury, that I/we are the legal r per(s) of the property which is the subject of this Petition. Contract Purchaser: Legal Owner(s): (Type or Print Hosel (Type or Print Name) (Typin or Print Name) Lity/State/Zip Code Attorney for Petitioner: (Type or Print Name) CIty/State/Zip Code Name, address and phone number of legal camer, contract purchaser or representative to be contacted. Attorney's telephone number ORDERED by the Zoning Commissioner of Baltimore County, this petition be posted on the property on or before the _____ day of _____

ZOMING CONTRISSIONER OF BALTICORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OM FOUND TO BE REQUIRED,

IT 19 FURTHER DROKERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19___, that the subject matter of this patition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reposted, and that the public hearing be had before the Zonling Countseloner of Baltimore County in Room 100, County Office Building in Towson, Baltimore County, on the ______day of _____, 19___, at _____o'clock,

ZONING COMMISSIONER OF BOLITANPE COUNTY

SUBJECT

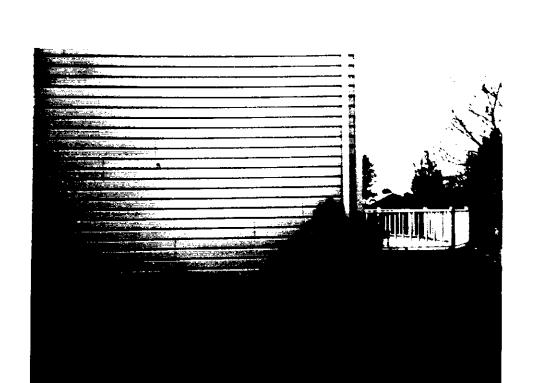
North date:

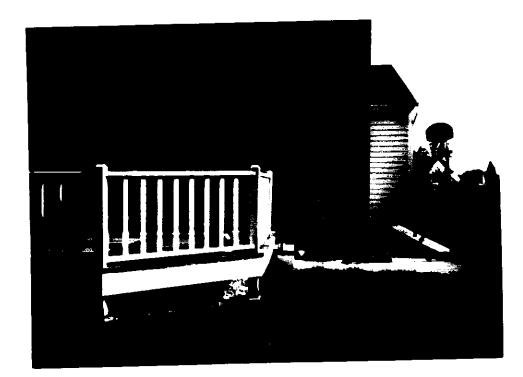
92-8-A

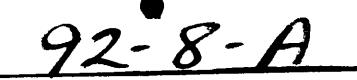
92-8-A

PETITIONER'S EXHIBIT#

CASE NUMBER

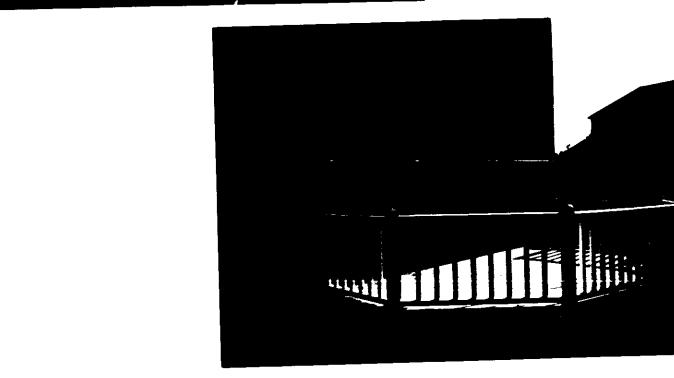


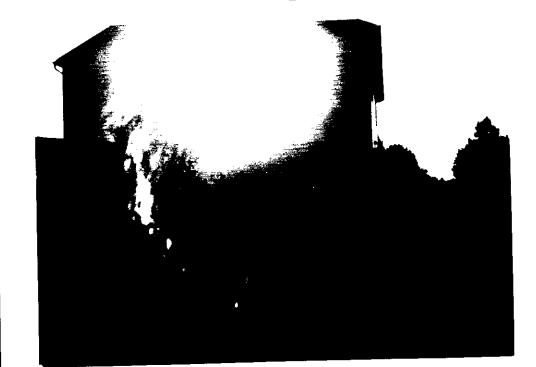


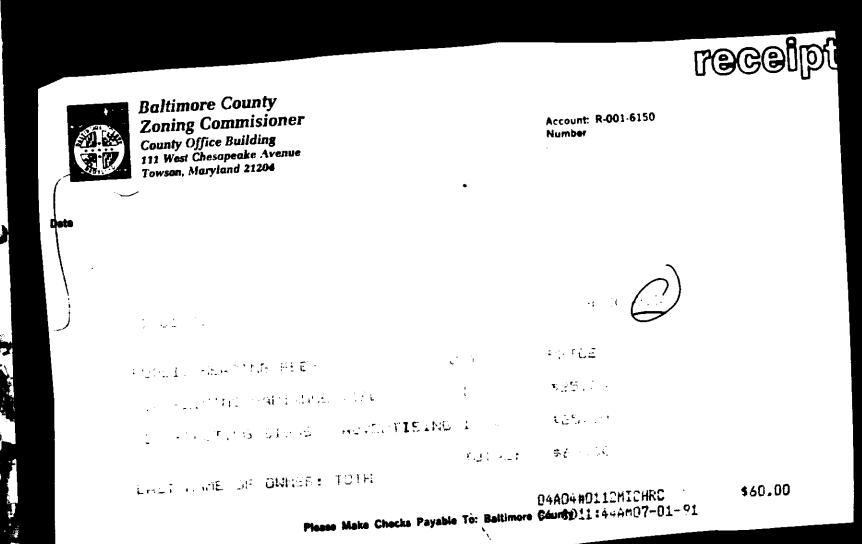


PETITIONER'S EXHIBIT#









BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director DATE: September 5, 1991 Zoning Administration and Development Management

FROM: Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Joseph L. Toth, Item No. 3

In reference to the Petitioner's request, staff offers no

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/rdn

NSHELL/TXTROZ

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

Date: August 30, 1991

TO: Mr. Arnold Jablon, Director Office of Zoning Administration and Development Management

FROM: Rahee J. Famili
SUBJECT: Z. A. C. Comments

Z. A. C. MEETING DATE: July 30, 1991

This office has no comments for item numbers 505, 3, 9, 10, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 30 and 31.

Rahee J. Famili Traffic Engineer II

RJF:bza

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE
August 15, 1991

ZONING COMMISSIONER, DEPARTMENT ZONING

FROM: RICHARD F. SEIM, PLANS REVIEW CHIEF,
DEPARTMENT OF PERMITS & LICENSES

TONING ITEM #: #3

PROPERTY OWNER: Joseph L. Toth, et ux
W/S Rosehill Court, approximately 200' South
LOCATION: of centerline Klasmeier Road
(### Rosehill Court)

ELECTION DISTRICT:
COUNCILMANIC DISTRICT:

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

() PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.02.02, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

() PARKING LOCATION
() NUMBER PARKING SPACES
() BUILDING ACCESS

() RAMPS (degree slope) () CURB CUTS () SIGNAGE

860 72

() PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

(.) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

() A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

() STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 517.0 COUNCIL BILL #192-90 (BALTIMORE COUNTY BUILDING CODE).

() OTHER -

PERMITS MAY BE APPLIED FOR 3 ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE

SUBMITTED.

APPLICABLE CODE: 1990 NATIONAL BUILDING CODES AS ADOPTED BY COUNTY COUNCIL BILL #192-90 EFFECTIVE 1/13/91

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204 887-3353

August 23, 1991

Mr. and Mrs. Joseph L. Toth 4 Rosehill Court Baltimore, Maryland 21236

> RE: Petition for Zoning Variance Case No. 92-8-A

Dear Mr. and Mrs. Toth:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

J. Robert Haines
Zoning Commissioner

JRH:mmn att.

cc: Peoples Counsel

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

August 5, 1991

Mr. & Mrs. Joseph L. Toth 4 Rosehill Court Baltimore, MD 21236

> RE: Item No. 3, Case No. 92-8-A Petitioner: Joseph L. Toth Petition for Residential Variance

887-3353

Dear Mr. & Mrs. Toth:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning 111 West Chesapeake Avenue 887-3353 Towson, MD 21204 Your petition has been received and accepted for filing this 19th day of July, 1991. Zoning Plans Advisory Committee

Petitioner: Joseph L. Toth, et ux

Petitioner's Attorney:

92-8-1 CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Petitioner: Joseph L. Toth ot ux

Number of Signer

Baltimore County Government Office of Zoning Administration and Development Management
Office of Planning & Zoning 111 West Chesapeake Avenue Towson, MD 21204 887-3353 July 23, 1991 Joseph L. and Carol Toth 4 Rosehill Court Baltimore, Maryland 21236 Re: CASE NUMBER: 92-8-A LOCATION: W/S Rosehill Court, approxiamtely 200 S of c/l Klasmeier Road 4 Rosehill Court Dear Petitioner(s): Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process. 1) Your property will be posted on or before August 4, 1991. The closing date is August 19, 1991. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing. 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing; will appear in two local newspapers. Charges related to the reposting and advertising are payable by the peritioner(s). 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a 150.00 charge. PLEASE UNDERSTAND THAT ON THE DATE AFTER HE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER. IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. OM ERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING NAILED TO YOU. Very truly yours, 5. 6. Stephens (001) 087-3391

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: August 1, 1991
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E. RE: Zoning Advisory Committee Meeting for July 30, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 505, 3, 7, 9, 10, 17, 18, 19, 21, 22, 23, 24, 27, 30 and 31.

For Item 20, the extension of public water, sewer and paving may be required, prior to issuance of a building permit for this lot.

For Item 26, the previous County Review Group comments are still applicable.

ROBERT W. BOWLING, P.E., Chief Developers Engineering Division

RWB: &

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

July 8, 1991

Joseph L. Toth Carol Toth 4 Rosehill Court Baltimore, MD 21236

RE: Petition Filed in Zoning Office Item Number 3

Dear Petitioner:

JRH:scj

This letter is to inform you that, due to a technical problem, your Petition for Residential Variance has not been placed on the agenda for the week of July 16, 1991. According to our records, this Petition was filed on July 1, 1991 with David A. Green.

In order for this Petition to be placed on the next agenda, you must contact Mr. Green at 887-3391 to rectify the problem.

Zoning Commissioner

